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8 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

9 JAVIER HERNANDEZ SANCHEZ,
10 ARACELI LUGO MORALES, JOSHUE
HERNANDEZ, and BLANCA
11 BENITEZ,

12 Plaintiff,

13 v.

14 THOMAS ALLEN BARNETT, ALPINE
FOOD DISTRIBUTING, INC.,
15 AVANTI FLEET, LLC. DOES 1-10,
and ROE CORPORATIONS 1-10,
16 inclusive,

17 Defendants.
18

19 ALPINE FOOD DISTRIBUTING, INC.
a foreign corporation,

20 Cross-claimants,

21 v.

22 AVANTI FLEET, LLC. a limited-
liability company and MOES I through
23 V, inclusive,

24 Cross-Defendants

CASE NO. 3:24-CV-00290-ART-CLB

ORDER GRANTING STIPULATION
TO EXTEND EXPERT DISCLOSURE
DEADLINES ONLY
[THIRD REQUEST]



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Henderson, Nevada 89012

1 It is hereby stipulated and agreed to by all appearing parties Plaintiffs Javier
2 Hernandez Sanchez, Araceli Lugo Morales, Joshue Hernandez, and Blanca Benitez,
3 by and through their attorneys of record, Karl H. Smith, Esq. of Coulter Harsh Law;
4 Defendants/Cross-Claimants Thomas Allen Barnett and Alpine Food Distributing,
5 Inc., by and through their attorneys of record, Melissa L. Alessi, Esq. of Tyson &
6 Mendes LLP; and Defendant/Cross-Defendant Avanti Fleet, LLC, by and through its
7 counsel of record, Alia A. Najjar, Esq. of Wolfe & Wyman LLP, pursuant to LR 26-3
8 and Fed. R. Civ. P. 6(b), that the expert disclosure deadlines be continued for a period
9 of 60 days.

10 **I. DISCOVERY COMPLETED**

- 11 a. Plaintiffs served their FRCP 26 Initial Disclosures on August 28, 2024.
- 12 b. Defendants/Cross-Claimants Thomas Allen Barnett and Alpine Food
13 Distributing, Inc. served their FRCP 26 Initial Disclosures on September
14 19, 2024 and have made one supplement thereto.
- 15 c. Defendant/Cross-Defendant Avanti Fleet, LLC served its FRCP 26 Initial
16 Disclosures on October 15, 2024 and has made one supplement thereto.
- 17 d. Defendants Thomas Allen Barnett has responded to the written discovery
18 served by Plaintiffs.
- 19 e. Defendant Alpine Food Distributing, Inc. has responded to the written
20 discovery served by Plaintiffs.
- 21 f. Defendant Avanti Fleet has responded to the written discovery served by
22 Plaintiffs.
- 23 g. On January 13, 2025, Defendant Thomas Allen Barnett's deposition was
24 taken.



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- 1 h. All Plaintiffs underwent an FRCP 35 Independent Medical Examination on
2 May 16, 2025 performed by Dr. Daniel D. Lee, Defendant Avanti Fleet's
3 medical expert.
- 4 i. On June 20, 2025, Plaintiffs made their designation of expert witnesses
5 that included a retained medical expert and several non-retained medical
6 experts.
- 7 j. Defendants Thomas Allen Barnett and Alpine Food Distributing, Inc.'s
8 have been in the process of subpoenaing Plaintiffs' medical records.
- 9 k. Defendant Avanti Fleet has also been in the process of subpoenaing
10 Plaintiffs' medical records.

11 **II. DISCOVERY REMAINING**

- 12 a. Defendants need to make their initial expert disclosures.
- 13 b. The inspection of the trailer involved in the subject accident is going
14 forward on July 22, 2025.
- 15 c. Depositions of Plaintiffs still need to go forward.
- 16 d. Depositions of the FRCP 30(b)(6) designee(s) for Alpine Food and Avanti
17 Fleet still needs to be taken.
- 18 e. Depositions of any disclosed expert witnesses, as necessary.
- 19 f. Additionally, on June 13, 2025 Defendant/Cross-Defendant Avanti Fleet
20 filed its Third Party Complaint against Love's Country Stores, Inc., Schwab
21 Tire Centers of Portland, LLC; and Love's Travel Stops & Country Stores,
22 Inc.; therefore, the parties will need to conduct discovery, as necessary,
23 concerning these new parties.
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1 g. As discovery is still open, the parties reserve their rights to conduct
2 additional discovery in accordance with the Federal Rules of Civil
3 Procedure.

4 **III. REASONS FOR THE CONTINUANCE**

5 The parties are seeking an extension of the expert disclosure deadlines as to
6 the failure of the trailer involved in this accident including engineers, accident
7 reconstructionists, and/or failure analysis only. The purpose for this limited request
8 is due to the trailer being located in Oregon and scheduling Defendant Avanti Fleet's
9 expert and Defendants Barnett and Alpine Food's expert to travel to Oregon to
10 inspect the trailer. The parties have found an agreeable date to conduct the
11 inspection of the trailer on July 22, 2025. As such, the parties are looking for a 60-
12 day extension from the current deadline in order for the parties' experts to inspect
13 the trailer and complete their reports.

14 Additionally, the newly named third-party defendants are still in the process
15 of being served and will likely want to participate in expert discovery.

16 The good cause reason for this extension is that Defendants just confirmed the
17 date for the trailer inspection and did not want to request an extension until the
18 inspection was scheduled.

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IV. PROPOSED SCHEDULE

| <u>Deadline</u> | <u>Current Date</u> | <u>Proposed Date</u> |
|---|---------------------|---------------------------|
| Initial expert witness disclosure deadline | 6/24/2025 | August 22, 2025 |
| Rebuttal expert witness disclosure deadline | 7/24/2025 | September 22, 2025 |

Dated this 24th day of June, 2025.

Dated this 24th day of June, 2025.

TYSON & MENDES LLP

WOLFE & WYMAN LLP

Melissa L. Alessi
 Melissa L. Alessi, Esq.
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 Attorneys for Defendants/Cross-
 Claimants Thomas Allen
 Barnett and Alpine Food
 Distributing, Inc.

/s/ Alia A. Najjar
 Alia A. Najjar, Esq.
 Nevada Bar No. 12328
 6757 Spencer Street
 Las Vegas, NV 89119
 Attorneys for Defendant/Cross-
 Defendant Avanti Fleet, LLC

Dated this 24th day of June, 2025.

COULTER HARSH LAW

/s/ Karl Smith
 Karl Smith, Esq.
 Nevada Bar No. 6504
 403 Hill Street
 Reno, Nevada 89501
 Attorney for Plaintiffs

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ORDER

Based upon the above stipulation of the parties, and good cause appearing:

IT IS HEREBY ORDERED that the last day to make initial expert witness disclosures shall be on or before **August 22, 2025**; and

IT IS FURTHER ORDERED that the last day to make rebuttal expert witness disclosures shall be on or before **September 22, 2025**.

IT IS SO ORDERED.

Dated this 25th day of June, 2025.



UNITED STATES MAGISTRATE JUDGE



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